

REMARKS

The Examiner has required election of species in the present application as follows:

- Species A: The species drawn to a liquid crystal display device comprising the plurality of liquid crystal in-plane anchoring directions of the alignment layer form substantially equal angles relative to one another on the corresponding substrate surface and pretilt angle in each of the liquid crystal anchoring direction with respect to the corresponding substrate surface being substantially zero.
- Species B: The species drawn to the two liquid crystal in-plane anchoring directions of the alignment layer form an angle of about 90° relative to each other on the corresponding substrate surface; and pretilt angle in one liquid crystal anchoring direction with respect to the corresponding substrate surface being substantially zero, and pretilt angle in the other liquid crystal anchoring direction with respect to the corresponding substrate surface being not substantially zero.

Applicants elect, with traverse, species Group A for search purposes only, for examination. Claims 1, 3-7, and 21 read upon the elected species. In addition, Figure 1(a), 1(b), 2-5, and 11 read upon the elected species.

Restriction is proper only if the inventions of the restricted groups are either independent or patentably distinct, and there is a burden in searching the entire application (see MPEP §803).

Applicants respectfully traverse the Election of Species Requirement on the grounds that the Office has not provided any reasons, whatsoever, to support the conclusion of patentable distinctness. Rather, the Office has merely stated the conclusion.

Applicants make no statement regarding the patentable distinctness of the species, but note that for the restriction to be proper, there must be a patentable difference between the species as claimed (see MPEP §808.01(a)). The Office has not provided any reasons or examples to support a conclusion that the species are indeed patentably distinct.

Accordingly, Applicants respectfully submit that the restriction is improper, and Applicants' election of species is for examination purposes only. Applicants further respectfully submit

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that the Office has not shown that a serious burden exists in searching the entire application. Finally, with respect to the elected species, Applicants respectfully submit that, should the elected species be found allowable, the Office expand its search to the non-elected species.

Accordingly, and for the reasons presented above, Applicants submit that the Office has failed to meet the burden necessary in order to sustain the Election of Species Requirement. Withdrawal of the Election of Species Requirement is respectfully requested.

Applicants submit that the above-identified application is no in condition for examination on the merits. Early notification of such action is earnestly solicited.


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